

REMARKS

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Customer Number

The Applicants submitted a *Revocation and Power of Attorney* on November 18, 2004 appointing the attorneys associated with Customer Number 22830 to prosecute the present application. While the *mailing address* associated with Customer Number 22830 has been allocated to the present application, *Customer Number 22830* in and of itself has not. The Applicants submitted form PTO-SB-122 concurrently with the amendment dated June 16, 2006 to facilitate allocation of the aforementioned Customer Number. See *June 16, 2006 Response, 8* (concerning submission of the same).

Notwithstanding, neither the present *Final Office Action* nor Private PAIR reflect the allocation of Customer Number 22830 to the present application. The Applicants have again submitted form PTO-SB-122 and respectfully solicit the Examiner's assistance with respect to allocation of Customer Number 22830 to the application.

Information Disclosure Statement

The Applicants appreciate the Examiner's consideration of the *Information Disclosure Statement* dated June 16, 2006. See *Final Office Action, 2*. The Applicants note that a subsequent *Information Disclosure Statement* was submitted and dated October 24, 2006. While the aforementioned statement was submitted after the issuance of the present *Final Office Action*, the submission was in accordance with 37 C.F.R. § 1.97(e) and consideration is respectfully requested.

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*Amendment to the Specification***Title of the Application**

The Applicants have amended the title of the application to read 'Providing Data Updates in a Network Communications System Based on Connection or Load Parameters.' With respect to the present amendment, the Applicants appreciate the fact that the application is presently on final rejection and unrestricted amendment is no longer a matter of right. See 37 C.F.R. § 1.116; see also MPEP § 714.12. Notwithstanding, the Applicants believe that the present amendment "requires only a cursory review by the Examiner" and should, therefore, be entered. MPEP § 714.13(II).

In that regard, the Applicants note that the Code of Federal Regulations requires that "[t]he title of the invention . . . be as short and specific as possible." 37 C.F.R. § 1.72(a). Through this amendment, the Applicants believe the amended title to properly comply with Rule 72. Further, Section 606.01 of the MPEP notes that "[w]here the title is not descriptive of the invention claimed, the examiner should require the substitution of a new title that is clearly indicative of the invention to which the claims are directed." MPEP § 606.01.

While the presently claimed invention may be implemented in a real-time, multi-point, multi-speed, multi stream scalable computer network communications system (as reflected in the original title), the presently amended title is more indicative of the present direction of the claims. As the present amendment brings the application into conformity with the requirements of Rule 72 and Section 606.01 of the MPEP, entry of the amendment is respectfully requested notwithstanding the finality of the present rejection.

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Cross-References to Related Applications

The Applicants have amended the cross-references section to reflect the proper title of U.S. patent application 10/600,144 as that title was amended after the initial filing of the present application. The Applicants have also amended the cross-references section to reflect the prosecution status of U.S. patent application 09/523,315, which is now abandoned, and U.S. patent application number 08/823,744, which is now U.S. patent number 6,343,313. The cross-references section has further been amended to reflect the present application's relationship to U.S. patent applications 11/086,506 and 11/086,507, which were filed subsequent to the present application. The Applicants note that the subject matter of the latter two applications is *not* incorporated by reference thus a new matter rejection is not warranted.

With respect to the present amendments, the Applicants appreciate the fact that the application is presently on final rejection and unrestricted amendment is no longer a matter of right. See 37 C.F.R. § 1.116; see also MPEP § 714.12. Notwithstanding, the Applicants believe that the present amendment "requires only a cursory review by the Examiner" and should, therefore, be entered. MPEP § 714.13(II). In that regard, the Code of Federal Regulations notes that "[t]he specification should include . . . [a] cross-reference to related applications." 37 C.F.R. § 1.77(b)(2). As the present amendment brings the application into conformity with the requirements of Rule 77, entry of the amendment is respectfully requested notwithstanding the finality of the present rejection.

Status of the Claims

Claims 23-51 and 53-54 were presented for examination in the response dated June 16, 2006. The Office Action Summary and first paragraph of the *Final Office Action* confirm the same. See *Final Office Action*, 1-2. Claims 23-51 and 53-54 remain pending without further amendment vis-à-vis the response dated June 16, 2006.

Previously Rendered Objection to the Specification

In the office action dated March 15, 2006, the Examiner objected to typographical errors in the specification. In the response dated June 16, 2006, the Applicants amended the specification to overcome that objection. As no reference is made to the aforementioned objection in the present *Final Office Action*, the Applicants presume the objection to have been overcome and withdrawn.

Previously Rendered 35 U.S.C. § 112, ¶ 2 Rejection

In the office action dated March 15, 2006, the Examiner rejected claim 24 under 35 U.S.C. § 112, ¶ 2 as lacking antecedent basis. In the response dated June 16, 2006, the Applicants amended claim 24 to overcome that rejection. As no reference is made to the aforementioned rejection in the present *Final Office Action*, the Applicants presume the rejection to have been overcome and withdrawn.

Previously Rendered Double Patenting Rejection

In the office action dated March 15, 2006, the Examiner rejected claims 23, 43, and 46 on the grounds of non-statutory obviousness type double-patenting with respect to certain claims of U.S. patent number 6,343,313. In the response dated June 16, 2006, the Applicants submitted a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c). As no reference is made to the aforementioned double patenting rejection in the present *Final Office Action*, the Applicants presume the rejection to have been overcome and withdrawn.

Withdrawal of the Finality of the Present Rejection

The present application is on final rejection. See *Final Office Action*, 9. The Applicants respectfully request withdrawal of the finality of the present rejection in that the Applicants have set forth below—and in conjunction with the response dated June 16, 2006—facts and reasons sufficient to evidence that the previously rejected claims are allowable over the cited references of record. Specifically, the Examiner's sole remaining rejection under 35 U.S.C. § 102(e) is overcome. In such an instance, "the final rejection should be withdrawn." MPEP § 706.07(e).

Rejection Under 35 U.S.C. § 102(e)

Independent Claim 23

In the office action dated March 15, 2006, the Examiner rejected claim 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent number 5,859,979 to Tung et al. (*Tung*). The Applicants, in the response dated June 16, 2003, detailed why *Tung* did not anticipate, *inter alia*, claim 23. See *June 16, 2006 Response*, 11-13. The Examiner, in the present *Final Office Action*, notes that the "arguments filed on 6/19/06 have been fully considered but they are not persuasive." *Final Office Action*, 8. In that regard, the Examiner stated that "the rejection is maintained." *Final Office Action*, 9.

The Applicants respectfully traverse the Examiner's continued maintenance of the aforementioned rejection. The Applicants contend that *Tung* (at the least) does not disclose the claimed element of 'the conference server providing data updates . . . where the data updates are delivered in an output data type *based on* conferencing system

connection or load parameters.¹ The Examiner appears to have misread the Applicants' claim language in that the *Final Office Action* states "Tung teaches data conferencing concurrent with audio and video, which deal with various formats and sizes that the system can accommodate." *Final Office Action*, 8. Merely 'dealing with various formats and sizes' of audio and video is not what is claimed but delivering data *based on* conferencing system connection or load parameters. The Applicants expound upon these arguments in more detail below.

In the *Final Office Action*, the Examiner stated that "Tung discusses data updates based on [a] conferencing system connection." *Final Office Action*, 8. In support of this contention, the Examiner referred to, for example, column 26, lines 30-42 of the *Tung* reference. See *Final Office Action*, 8. This section of *Tung*, however, fails to disclose the Applicants' expressly claimed element of delivering data updates 'in an output date type *based on* conferencing system connection or load parameters.' *Tung*—as referenced by the Examiner—states:

Data conferencing application 504 then asks the conference manager 544 to establish channels within the established connection for transmitting and receiving data signals with the remote conferencing system (step 3410). Data conferencing application 504 knows that the connection has been established, because application 504 has already registered with the conference manager 544 and the conference manager 544 informs all registered applications of connections by sending the CMN_CALL message. Since data conferencing application 504 already knows that the connection has been established, application 504 makes the channel request by calling the cmGetChannelPair function of the conference manager 544.

¹ The Applicants had (in the response dated June 16, 2006) also addressed the lack of certain functionality with respect to the claimed conference server. See *June 16, 2006 Response*, 11. With respect to those arguments, the Examiner responded that "the features upon which applicant relies . . . are not recited in the rejected claim(s)." *Final Office Action*, 9. The Applicants respectfully disagree in that such functionality is found in the aforementioned claim element, for example, with respect to the conference server providing data updates based on conference system connection or load parameters. Notwithstanding, the Applicants believe the merits of the aforementioned rejection may be simultaneously addressed in the context of the present discussion concerning, specifically, data updates *based on* system connection or load parameters.

Tung teaches an application requesting that channels be established by a conference manager within a pre-existing data connection. See *Tung*, col. 26, l. 30-33. The aforementioned application (per *Tung*) knows of the pre-existing connection as a result of the application having previously registered with the conference manager, which has informed the registered applications of the connection via a CMN_CALL message. See *Tung*, col. 26, l. 33-38. According to *Tung*, because the application knows of the pre-existing connection, the application may then request the aforementioned channel via a cmGetChannelPair function. See *Tung*, col. 26, l. 38-42. As evidenced by a more detailed reading of the cited reference, *Tung* (as cited by the Examiner) in no way discloses the Applicants' claimed delivery of data updates 'in an output data type *based on* conferencing system connection or load parameters.'

This particular portion of *Tung* teaches a data conferencing application requesting that a conference manager establish channels within an already existing connection. These channels are established for the purpose of transmitting and receiving data signals with a remote conferencing system. In other words, *Tung* teaches establishing a channel within an already existing connection for the purpose of data exchange. *Tung* does not, however, teach that data is exchanged 'in an output data type based on conferencing system or load parameters' as claimed by the Applicants. Notwithstanding, the Examiner has reiterated in the present *Final Office Action* the same rejections set forth in the previously rendered non-final action dated March 15, 2006.

The Examiner's rejection (again) states that "data updates are delivered in an output data type based on conference system connection or load parameters" but the accompanying explanation fails to support this contention. *Final Office Action*, 3. Informing peers of mute status (as referenced in the *Final Office Action*) fails, however, to illustrate the Applicants' claimed delivery of data updates 'in an output data type *based on* conference system connection or load parameters.' The Examiner's mere reference to an "audio/video conferencing application 502 [that] supports audio and video conferencing between remote locations, while data conferencing application 504 supports the sharing of data (e.g., documents) between the remote locations," fails to

disclose the particularities set forth in claim 23. *Tung*, col. 19, l. 13-17; see also *Final Office Action*, 8 (citing *Tung*, col. 19, l. 13 *et seq.*). That is, *Tung* does not disclose data updated based on conferencing system or load parameters. The Examiner's continued reference to column 19, lines 50-52 with respect to *Tung* "provid[ing] an efficient mechanism to inform applications about events such as 'connection established' and 'connection torn down'" (i.e., the existence of connections) also fails in this regard. See *Final Office Action*, 8 (citing col. 19, l. 50-52).

The Applicants believe that the Examiner may be misinterpreting the general gist of the presently claimed invention. To aid the Examiner in generally understanding the presently claimed subject matter set forth in claim 23, the Applicants note that the "transport technology [of the presently claimed invention] improves over former approaches by reducing the amount of work required and so enhances performance." [0073].² This technology may be used to "best suit the workload on the hardware and software platforms and network connections involved, manually or automatically." [0073]. In this regard, data updates may be output in a data type based on conferencing system connection or load parameters as set forth in present claim 23.

For example, "this tuning dynamically matches [a] capture operation to the amount of computer power available . . . and the speed of connection to the network." [0073]. The present disclosure further notes that "many combinations can occur that would provide additional savings under some load conditions." [0089]. A collection of base blocks, an array of checksums of base blocks or of delta blocks, a collection of delta blocks, results of compositing delta blocks and the like may all constitute an output data type based on system connection or load parameters. See [0089].

The Applicants note, especially in light of the Examiner's previous suggestion that the Applicants' arguments are based upon limitations "not recited in the rejected claim(s)," that the Applicants are not attempting to limit or define the scope of the claims by reference to the specification. *Final Office Action*, 9. That is, the Applicants are

² References to the specification in [brackets] are with respect to the paragraphs as numbered in patent publication number US 2005-0080850 A1, published April 14, 2005.

not attempting to import "limitations from the specification . . . into the claims." *Final Office Action*, 9 (citing *In re Van Geuns*, 988 F.2d 1181 (Fed. Cir. 1993)). The Applicants provide these reference to aid the Examiner in interpreting the claims as to give them "their broadest reasonable interpretation [that is also] consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000).

Additionally, and with respect to claim 23, the Examiner has noted that "the claims as written are still broad and the updates data that applicants are arguing about is not clear in the claims." *Final Office Action*, 8-9. The Applicants respectfully remind the Examiner that breadth of the claims does not necessarily equate to lack of patentability, specifically indefiniteness as suggested by the Examiner. See *In re Miller*, 441 F.2d 689 (CCPA 1971); see also MPEP § 2173.04 (noting that breadth is not equivalent to indefiniteness). If the Examiner is asserting that the claims are, in fact, unclear under Section 112, paragraph two, the Applicants note that the Examiner has not rendered such a rejection. Further, to now render such a rejection would warrant the issuance of a new non-final office action.

The Applicants otherwise note that "[a] claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.3d 628, 631 (Fed. Cir. 1987). The Examiner has not evidenced each and every element as set forth in claim 23. That is, *Tung* does not disclose data updated based on conferencing system or load parameters. As such, *Tung* fails to anticipate claim 23 and is allowable over the cited art of record. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.3d 628, 631 (Fed. Cir. 1987) (finding "[a] claim is anticipated only if each and every element as set forth in the claim is found . . . in a single prior art reference").

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Independent Claim 33

Claim 33 recites:

A method for conferencing between a server and at least one client in a conferencing system comprising:
establishing a network connection between the server and the at least one client;
providing conferencing data from the server to the at least one client, the conferencing data in a format based on conferencing system parameters; and
changing the format based on changes to the conferencing system parameters.

The Examiner contends claim 33 to be anticipated by *Tung* including providing conferencing data 'in a format based on conferencing systems parameters' and 'changing the format based on changes to the conferencing system parameters.' See *Final Office Action*, 4 (citing *Tung*, col. 5, l. 9-col. 6, l. 44). The Applicants respectfully disagree.

Lines 9 through 15 of column 5 in *Tung* discuss conferencing applications communicating with various subsystems and application programming interfaces. *Tung* makes no mention, however, of conference system parameters as claimed by the Applicants. Further, *Tung* does not disclose providing data in a format based on those parameters nor changing the format based on changes to the conference system parameters.

Lines 16-26 of *Tung* generically mention the act of compression. For example, *Tung* notes "audio I/O hardware 410 . . . digitizes analog audio . . . and stores the resulting uncompressed digital audio to memory 404." *Tung*, col. 5, l. 16-19. Further, *Tung* discusses DSP 406 controlling "the compression of the uncompressed audio and stores the resulting compressed audio back to memory." *Tung*, col. 5, l. 20-22. *Tung* makes no mention, however, of conference system parameters as claimed by the Applicants. Further, *Tung* does not disclose providing data in a format based on those parameters nor changing the format based on changes to the conference system parameters.

Lines 27-39 of column 5 in *Tung* fare no better with respect to the particularities of the Applicants' claim 33. This portion of *Tung* discusses the receipt of compressed audio via an ISDN interface, storage of the received compressed audio, decompression of the stored audio, and digital-to-analog conversion of the decompressed audio for playback over speakers. *Tung* makes no mention, however, of conference system parameters as claimed by the Applicants. Further, *Tung* does not disclose providing data in a format based on those parameters nor changing the format based on changes to the conference system parameters.

Likewise, lines 40-45 of column 5 in *Tung* fail to disclose the Applicants' presently claimed invention as set forth in claim 33. This particular portion of *Tung* makes reference to compression and decompression "preferably [being] performed entirely within audio/comm board 206 without going through the host processor." *Tung*, col. 5, l. 41-42. *Tung* again fails to disclose conference system parameters as claimed by the Applicants. Further, *Tung* does not disclose providing data in a format based on those parameters nor changing the format based on changes to the conference system parameters.

Lines 46-57 of *Tung* are concerned with digitization of analog video signals utilizing a camera 102 and transmitting the digitized video to a video capture module 306. The capture module then decodes the digitized video into YUV color components that are delivered to VRAM 304 at uncompressed video bitmaps. Microcode executed at pixel processor 302 compresses the aforementioned bitmaps, which are transmitted to a video/host interface 526. This portion of *Tung*, like all the aforementioned portions, makes no mention, however, of conference system parameters as claimed by the Applicants. Further, *Tung* does not disclose providing data in a format based on those parameters nor changing the format based on changes to the conference system parameters.

Line 58 of column 5 through line 5 of column 6 in *Tung* also fails to disclose the Applicant's specifically claimed steps of 'providing conferencing data from the server to the at least one client, the conferencing data in a format based on conferencing system

parameters; and changing the format based on changes to the conferencing system parameters.' This portion of *Tung* as cited by the Examiner pertains to the video/host interface passing compressed video to a video manager, which time-stamps the video to allow for synchronization with the audio. The time-stamped video is then transmitted over ISDN 110. *Tung* again fails to disclose each and every limitation of claim 33.

The remaining portion of *Tung* cited by the Examiner also fails to disclose the specifically claimed steps of 'providing conferencing data from the server to the at least one client, the conferencing data in a format based on conferencing system parameters; and changing the format based on changes to the conferencing system parameters.' For example, *Tung* discusses compressed video received via an ISDN interface being decompressed and passed to a video playback driver for display in a video window on a monitor. See *Tung*, col. 6, l. 6-21. Lines 22-44 of column 6 refer to data conferencing concurrent with audio and video conferencing. There is no mention, however, with respect to 'providing conferencing data from the server to the at least one client, the conferencing data in a format based on conferencing system parameters; and changing the format based on changes to the conferencing system parameters.'

The Applicants again note, in light of the Examiner's previous suggestion that the Applicants' arguments are based upon limitations "not recited in the rejected claim(s)," that the Applicants are not attempting to limit or define the scope of the claims by reference to the specification. *Final Office Action*, 9. That is, the Applicants are not attempting to import "limitations from the specification . . . into the claims." *Final Office Action*, 9 (citing *In re Van Geuns*, 988 F.2d 1181). The Applicants provide the following reference to aid the Examiner in interpreting the claims as to give them "their broadest reasonable interpretation [that is also] consistent with the specification." *In re Hyatt*, 211 F.3d at 1372.

For example, "[v]arious parameters of the system can be monitored, and the system can be reconfigured automatically based on the observations." Abstract. The specification also notes that data may be transformed "by the system depending on such parameters as client characteristics, server and network loading, and user requests."

[0057]. Further discussed in the specification is the fact that blocks may be dropped (e.g., output data may be changed) "based on parameters about the network and client known to the server and to filter 100 as well as parameters and requests (e.g., 'slow down,' 'speed up,' or frame rate specifications) received from the client." [0140]. Additionally, the specification notes that any number of server configurations:

and the parameters determining them and the routing schemes can be altered depending on changes in client, server, and network capabilities, needs, resources, and loads as announced or demanded by clients, or as measured by the system, or as specified by conferees or system administrators, or other prevailing or desired conditions. [0173].

Again, these references to the specification are provided to aid the Examiner in interpreting the claims in the broadest reasonable way "in their ordinary usage [and] as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997); see also *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999). The Applicants respectfully contend that the interpretation of the claims presently adopted by the Examiner fails on both accounts. That is, the interpretation adopted by the Examiner does not apply a reasonable interpretation in light of the ordinary meaning of the claims much less one that corresponds to the description set forth in the specification. In that regard, *Tung* does not disclose providing conferencing 'in a format based on conferencing system parameters' nor the subsequent step of 'changing the format based on changes to the conferencing system parameters.' As such, claim 33 is allowable over *Tung* and the other cited art of record. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

Independent Claim 43

The Examiner contends that "claim[] 43 . . . contain[s] the same limitations as discussed in claim 33 above" and is "rejected under the same rationale." *Final Office Action*, 5. In that regard, the Applicants contend claim 43 is allowable under the same rationale as claim 33.

Independent Claim 46

The Examiner contends that claim 46 "contains the same limitations as discussed in claim 23 above" and "it is rejected under the same rationale." *Final Office Action*, 6. In that regard, the Applicants contend claim 46 is allowable under the same rationale as claim 23.

Independent Claim 51

Claim 51 recites:

A conferencing system comprising:
a conference server;
at least one client;
networking connections coupling the conference server and the at least one client, the conference server providing conferencing data to the at least one client via the network connections, where the conferencing data is provided in an output based on a determined size of at least a portion of the conferencing data.

The Examiner contends claim 51 to be anticipated by *Tung* including providing conferencing data 'in an output based on a determined size of at least a portion of the conferencing data.' See *Final Office Action*, 6-7 (citing *Tung*, col. 14, l. 64-col. 15, l. 30 and col. 75, l. 65-col. 76, l. 31). The Applicants respectfully disagree.

Column 14 *et seq.* as referenced by the Examiner refers to (per *Tung*) Control Channel Management. Control channel—according to *Tung*—"enables conferencing application 502 to inform peer of events (e.g., mute on and off) and transfer arbitrary size information." *Tung*, col. 14, l. 65-67. *Tung* is not providing conference data in an

output based on a determined size of the data (as claimed) but information about peer events and size information. Size information is not the same as output data based on the size of the data as claimed.

Column 15 *et seq.* goes into further detail concerning the aforementioned mute feature. See col. 15, l. 2-3. The discussion found at lines 25-30 is no more anticipatory of providing 'output based on a determined size of at least a portion of the conferencing data' than those portions of *Tung* previously referenced by the Examiner. For example, "[t]he size amount of data is specified" in a control channel structure is information pertaining to size and not 'output based on a determined size of at least a portion of the conferencing data' as claimed. *Tung*, col. 15, l. 27-28.

With regard to column 75 *et seq.* and as referenced by the Examiner, *Tung* discusses "special handling" "to avoid the unnecessary interruption of the flow of audio signals over [a shared] connection." *Tung*, col. 75, l. 66-col. 76, l. 2. Specifically, *Tung* notes delay issues with respect to transmission of video packets prior to audio packets. See *Tung*, col. 76, l. 5-12. To overcome these delay issues, *Tung* discusses "each different type of signal [being] assigned a priority level and the order of transmitting those signals is based on the relative priority levels." *Tung*, col. 76, l. 15-17. There is no discussion, however, of 'output based on a determined size of at least a portion of the conferencing data' as claimed.

Tung fails to disclose each and every limitation of claim 51. As such, the Applicants contend claim 51 to be allowable over the cited art of record. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation). In that regard, the Applicants contend the rejection of claim 51 to be overcome.

Independent Claim 53

Claim 53 recites:

A method for conferencing between a server and at least one client in a conferencing system comprising:
establishing a network connection between the server and the at least one client;
determining a size of conferencing data; and
providing at least a portion of the conferencing data from the server to the at least one client, the conferencing data in a format based on the determined size of at least a portion of the conferencing data.

The Applicants note that the Examiner's rejection of method claim 53 corresponds in part to the rejection set forth with respect to system claim 51. See *Final Office Action*, 6-7. As the method of claim 53 is similar to the system recited in claim 51, claim 53 is allowable for at least the same reasons as set forth with respect to claim 51.

Independent Claim 54

Claim 54 recites:

A method for conferencing between a server and at least one client in a conferencing system comprising:
establishing a network connection between the server and the at least one client;
determining a type of compression to be used; and
providing conferencing data from the server to the at least one client, the conference data in a format based on the determined type of compression to be used.

The Examiner contends *Tung* to disclose the Applicants' claimed step of determining a type of compression to be used and subsequently providing conferencing data to a client in a format based on the aforementioned determined type of compression. See *Final Office Action*, 7-8 (citing *Tung*, col. 5, l. 9-col. 6, l. 44). The Applicants respectfully disagree.

Line 9 through line 15 of column 5 in *Tung* discusses conferencing applications communicating with various subsystems and application programming interfaces. *Tung* makes no mention of compression. Lines 16-26 of *Tung* mention compression only in the generic sense. For example, *Tung* states "audio I/O hardware 410 . . . digitizes analog audio . . . and stores the resulting uncompressed digital audio to memory 404." *Tung*, col. 5, l. 16-19. Further, *Tung* discusses DSP 406 controlling "the compression of the uncompressed audio and stores the resulting compressed audio back to memory." *Tung*, col. 5, l. 20-22. *Tung* does not disclose determining a *type of compression* as is presently claimed. Further, there is no disclosure of providing conference data *in a format based on the determined type of compression to be used*.

Tung — as noted above — discusses compression only in the most generic sense (e.g., a DSP compressing digital audio). *Tung* does not disclose the Applicant's specifically claimed steps of determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. As the Examiner has not evidenced every term set forth in the aforementioned steps in *Tung*, the Applicants contend *Tung* fails to anticipate the present claim. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

Lines 27-39 of column 5 in *Tung* fare no better with respect to the particularities of the Applicants' claim 54. This particular portion of *Tung* discusses the receipt of compressed audio via an ISDN interface, storage of the received compressed audio, decompression of the stored audio, and digital-to-analog conversion of the decompressed audio for playback over speakers. *Tung* (again) does not disclose the Applicants' specifically claimed steps of determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. As the Examiner has not evidenced every term set forth in the aforementioned steps in *Tung*, the Applicants contend *Tung* fails to anticipate the present claim. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal*

Bros., 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

Likewise, lines 40-45 of column 5 in *Tung* fail to disclose the Applicants' presently claimed invention as set forth in claim 54. This particular portion of *Tung* makes reference to compression and decompression "preferably [being] performed entirely within audio/comm board 206 without going through the host processor." *Tung*, col. 5, l. 41-42. *Tung* (again) fails to disclose the Applicants' specifically claimed steps of determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. As the Examiner has not evidenced every term set forth in the aforementioned steps in *Tung*, the Applicants contend *Tung* fails to anticipate the present claim. See MPEP § 2173.05(a)(I) (concerning each claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

Lines 46-57 of *Tung* are concerned not so much with compression (again, referenced in the most generic of terms) but digitization of analog video signals utilizing a camera 102 and transmitting the digitized video to a video capture module 306. The capture module then decodes the digitized video into YUV color components that are delivered to VRAM 304 at uncompressed video bitmaps. Microcode executed at pixel processor 302 compresses the aforementioned bitmaps, which are transmitted to a video/host interface 526. This portion of *Tung*, like all the aforementioned portions, fails to disclose the Applicant's specifically claimed steps of determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. See MPEP § 2173.05(a)(I) (concerning each claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

Line 58 of column 5 through line 5 of column 6 in *Tung* also fails to disclose the Applicant's specifically claimed steps of determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. This portion of *Tung* pertains to the video/host interface passing compressed

video to a video manager, which time-stamps the video to allow for synchronization with the audio. The time-stamped video is then transmitted over ISDN 110. As the Examiner has not evidenced every term set forth in the aforementioned steps in *Tung*, the Applicants contend *Tung* fails to anticipate the present claim. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

The remaining portion of *Tung* cited by the Examiner with respect to claim 54 also fails to disclose determining a *type of compression* followed by providing conference data *in a format based on the determined type of compression to be used*. Compressed video received via ISDN interface is decompressed and passed to a video playback driver for display in a video window on a monitor. See *Tung*, col. 6, l. 6-21. Lines 22-44 of column 6 refer to data conferencing concurrent with audio and video conferencing. As the Examiner has not evidenced every term set forth in the aforementioned steps in *Tung*, the Applicants contend *Tung* fails to anticipate the present claim. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation).

The Applicants again note, in light of the Examiner's previous suggestion that the Applicants' arguments are based upon limitations "not recited in the rejected claim(s)," that the Applicants are not attempting to limit or define the scope of the claims by reference to the specification. *Final Office Action*, 9. That is, the Applicants are not attempting to import "limitations from the specification . . . into the claims." *Final Office Action*, 9 (citing *In re Van Geuns*, 988 F.2d 1181). The Applicants provide the following references to aid the Examiner in interpreting the claims as to give them "their broadest reasonable interpretation [that is also] consistent with the specification." *In re Hyatt*, 211 F.3d at 1372.

For example, the specification notes that "[t]he system can supply a range of coder-decoder ('codec') facilities for the compression and decompression of images . . .

and for the matching of image representations to client display requirements including output or output format transcoding." [0011]. By determining a type of compression, the presently claimed invention can "reduce bandwidth requirements during network transmission" but also make it possible "that the shared image [between clients] appear visually similar to presented and attendee." [0011]. Additionally, "codecs may be provided by the system for such purposes as error-correction, encryption, or audio and video noise reduction." [0011]. "User-provided or proprietary codecs for these purposes and more can also be incorporated into the system." [0011]. These codecs for compression "may be in the forms of software or specialized hardware" and "the system [may] determine that one [codec] is better suited for [a particular] function . . . and the codec can be changed dynamically when conditions change, such as client requirements, server needs, and network loading." [0011].

Tung fails to disclose each and every limitation of claim 54. As such, the Applicants contend claim 54 to be allowable over the cited art of record. See MPEP § 2173.05(a)(I) (concerning *each* claim term having meaning); see also *Verdegaal Bros.*, 814 F.3d at 631 (requiring each and every element to be disclosed in the prior art to evidence anticipation). In that regard, the Applicants contend the rejection of claim 54 to be overcome.

Dependent Claims

"A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 U.S.C. § 112, ¶ 4. The Applicants contend each and every one of the independent claims of the present application is allowable over the cited art of record as set forth above. As each of the dependent claims of the present application depend (either directly or via an intermediate dependent claim) from one of the aforementioned independent claims, each of the dependent claims are allowable for at least the same reasons as the independent claim from which it depends.

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CONCLUSION

The Applicants respectfully request the allocation of Customer Number 22830 to the present application.

The Applicants further request consideration of the supplemental *Information Disclosure Statement* dated October 2006.

The Applicants respectfully request the entry of the amendment to the title and the cross-reference section of the specification. While the present application is on final rejection, this amendment does not introduce new matter nor does it require further search and/or consideration. Submission (and entry) of these amendments corresponds to the Federal Regulations and MPEP sections recited above. As such, entry of this amendment is proper notwithstanding the finality of the present rejection.

The Applicants further request the withdrawal of the finality of the present rejection. The Applicants contend such withdrawal to be proper in light of the facts and reasons set forth above with respect to overcoming the previously cited *Tung* reference.

The Applicants contend independent claim 23 and its dependencies to be allowable over *Tung* in that *Tung* fails (at the least) to disclose data updates being 'delivered in an output data type based on conferencing system connection or load parameters.'

The Applicants contend independent claim 33 and its dependencies to be allowable over *Tung* in that *Tung* fails (at the least) to disclose 'providing conferencing data . . . in a format based on conferencing system parameters; and changing the format based on changes to the conferencing system parameters.'

The Applicants contend independent claim 43 and its dependencies to be allowable over *Tung* for at least the same reasons as claim 33.

The Applicants contend independent claim 46 and its dependencies to be allowable over *Tung* for at least the same reasons as claim 23.

The Applicants contend independent claim 51 to be allowable over *Tung* in that *Tung* fails (at the least) to disclose 'providing conferencing data . . . in an output based on a determined size of at least a portion of the conferencing data.'

The Applicants contend independent claim 53 to be allowable over *Tung* in that *Tung* fails (at the least) to disclose 'providing at least a portion of the [provided] conferencing data . . . in a format based on the determined size of at least a portion of the conferencing data.'

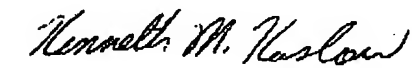
The Applicants contend independent claim 54 to be allowable over *Tung* in that *Tung* fails (at the least) to disclose 'determining a type of compression to be used; and providing conferencing data . . . in a format based on the determined type of compression to be used.'

The Applicants strongly encourage the Examiner to contact the Applicants' undersigned representative with any questions concerning the present response and the application in general. The Applicants otherwise believe that a clearly defined issue has been developed for appeal (if necessary) with respect to the presently rendered 35 U.S.C. § 102(e) rejections. The Applicants, in light of the aforementioned, otherwise request allowance of the present application.

Respectfully submitted,
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